



House of Representatives

File No. 742

General Assembly

February Session, 2014

(Reprint of File No. 161)

Substitute House Bill No. 5389
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 2014

AN ACT CONCERNING THE USE OF ELECTRONIC DEFENSE WEAPONS BY POLICE OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2015*) (a) For purposes of this
2 section, "law enforcement agency" means the Division of State Police
3 within the Department of Emergency Services and Public Protection or
4 any municipal police department, "police officer" means a state police
5 officer or a sworn member of a municipal police department and
6 "electronic defense weapon" has the same meaning as provided in
7 section 53a-3 of the general statutes.

8 (b) (1) Each law enforcement agency that authorizes a police officer
9 employed by such agency to use an electronic defense weapon shall:
10 (A) Not later than January 31, 2015, adopt and maintain a written
11 policy that meets or exceeds the model policy developed by the Police
12 Officer Standards and Training Council regarding the use of an
13 electronic defense weapon; (B) require police officers to document any
14 use of an electronic defense weapon in use-of-force reports; (C) not

15 later than January fifteenth following each calendar year in which an
16 electronic defense weapon is used, prepare an annual report using the
17 form developed and promulgated by the Police Officer Standards and
18 Training Council pursuant to section 2 of this act that details the use of
19 electronic defense weapons by police officers employed by such
20 agency and includes (i) data downloaded from the electronic defense
21 weapons after their use, (ii) data compiled from the use-of-force
22 reports, and (iii) statistics on each such use of an electronic defense
23 weapon, including, but not limited to, (I) the race and gender of each
24 person on whom the electronic defense weapon was used, provided
25 the identification of such characteristics shall be based on the
26 observation and perception of the police officer that used the electronic
27 defense weapon, (II) the number of times the electronic defense
28 weapon was activated and used on such person, (III) the injury, if any,
29 suffered by such person against whom the electronic defense weapon
30 was used, and (IV) if the electronic defense weapon that was used had
31 different usage modes, the mode used; and (D) not later than January
32 15, 2016, and annually thereafter, submit the report to the Criminal
33 Justice Policy and Planning Division within the Office of Policy and
34 Management.

35 (2) Not later than January 15, 2016, and annually thereafter, a law
36 enforcement agency that does not authorize police officers employed
37 by such agency to use an electronic defense weapon shall submit a
38 report to the Criminal Justice Policy and Planning Division within the
39 Office of Policy and Management stating that such agency does not
40 authorize its officers to use electronic defense weapons.

41 (c) The Office of Policy and Management shall post the annual
42 reports submitted pursuant to subsection (b) of this section on its
43 Internet web site.

44 Sec. 2. (NEW) (*Effective October 1, 2014*) Not later than January 1,
45 2015, the Police Officer Standards and Training Council established
46 under section 7-294b of the general statutes shall develop and
47 promulgate (1) a model policy that provides guidelines on the use of

48 an electronic defense weapon by a police officer, and (2) a
49 standardized form for reporting the use of electronic defense weapons
50 pursuant to subdivision (1) of subsection (b) of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	New section
Sec. 2	<i>October 1, 2014</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: See Below

Explanation

The bill requires law enforcement agencies that authorize the use of electronic defense weapons to adopt a policy on usage and also to track and report on the use of such weapons annually. The bill also requires the Office of Policy and Management (OPM) to post such annual reports on its website.

Law enforcement agencies that authorize the use of such weapons are anticipated to incur minimal costs for tracking and reporting on the use of electronic defense weapons annually. In addition, OPM may potentially incur minimal costs associated with organizing and posting the annual reports on its website.

House "A" struck the original bill and results in the fiscal impact stated above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5389 (as amended by House "A")******AN ACT CONCERNING THE USE OF AN AUTOMATED NUMBER PLATE RECOGNITION SYSTEM.*****SUMMARY:**

This bill requires the Police Officer Standards and Training Council (POST), by January 1, 2015, to develop and promulgate a model policy that provides guidelines on the use of electronic defense weapons by police officers. It requires every law enforcement agency, namely the State Police and municipal police departments, that authorize police officers to use such weapons to (1) adopt and maintain a written policy, by January 31, 2015, that meets or exceeds the model policy and (2) require officers to document their use of the weapons.

It requires agencies that authorize the use of the weapons to report specified data, on a form POST must develop under the bill, on the use of the weapons to the Office of Policy and Management (OPM) annually and OPM to post the data on its web site. Agencies that do not authorize the use of the weapons must also inform OPM annually.

*House Amendment "A" replaces the original file (File 161), which required the Legislative Program Review and Investigations Committee to conduct a study of automated number plate recognition system.

EFFECTIVE Date: October 1, 2014 for POST to develop its policy and standardized reporting form; January 1, 2015 for the remaining provisions.

TASER USE, DOCUMENTATION, AND REPORTS

The bill requires each law enforcement agency that authorizes any

of its police officers to use an electronic defense weapon to require the officers to document their use in the agency's use-of-force reports. By January 15 following the end of each calendar year in which an electronic defense weapon is used, the agency must prepare an annual report using the POST form detailing the use of the weapons. The report must include (1) data downloaded from the weapons after their use, (2) data compiled from the use-of-force reports, and (3) statistics on each such use of the weapon. The statistics must include the:

1. race and gender of each person on whom the weapon was used, based on the observation and perception of the police officer who used the weapon;
2. number of times the weapon was activated and used on the person;
3. injury, if any, the person suffered; and
4. the mode used on the person, if the weapon had different usage modes.

By January 15, 2016, and annually thereafter, agencies must submit the report to OPM's Criminal Justice Policy and Planning Division. By January 15, 2016, and annually thereafter, a law enforcement agency that does not authorize police officers it employs to use an electronic defense weapon must submit a report to the Criminal Justice Policy and Planning Division within OPM stating that it does not authorize its officers to use electronic defense weapons. The bill requires OPM to post the annual reports on its Internet web site.

BACKGROUND

Electronic Defense Weapon

An electronic defense weapon is a weapon that, by electronic impulse or current, is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device (CGS 53a-3).

POST Policy

POST has already established a model policy on police officers' use of electronic defense weapons.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 21 Nay 3 (03/11/2014)